K 1952.

**File No.** O. Limitation/52

Legal Deptt.

A BRANCH

P.H(E)

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**Subject:—** Opinions under the Indian Limitation Act, 1908.

**File No.** O. Limitation/52

Gen. 194-

721-A

# C O N T E N T S .

Legal Department File No. O. Limitation /52 .


| Sr. No. | R. I. / O. No. | Subject | Pages |
|---|---|---|---|
| | | Opinions under the Indian Limitation Act, 1908 . | |
| 1). | 16018/A 29-9-52 | Whether the claim of the Bombay Housing Board for the arrears of the rent. is not time barred. | 1 |
| 2). | 17051A 15-10-52. | Whether the claim of Shri Gajhanan Sub-Police Prosecutor for non-police work done has not become time barred. | 3. |
| 3). | 19953A 25-11-52 | The term "wages" includes salary also, claim of Shri . N.J.Mehta for his salary for 2 months cannot be admitted . | 5. |


V.v.k. 16/6/56/

SC.

Sve 18/6

L.D.R.I. No. 22303 dt. 23-9-52.

Submitted with reference to P.W.D. note dated 16-9-52 on p. 12 ante .

2. It appears that the Sholapur branch of the office of the Rationing Officer (Iron and Steel), Bombay was housed in the tenements owned by the Bombay Housing Board and that the rent due to the Board for the period from 1st January 1950 to 15th April 1950 amounting to Rs. 42/- has remained unpaid for some reason or the other.The Board is now pressing for the said payment.

The question for R.L.A.'s consideration is whether the claim of the Board for the arrears of the rent is not time barred.

Id/-
dt/- 26/9/52/

D.S. (civil) Reply may be :-----

Seen and returned .

The view taken by P.W.D. is correct .

Id/- R.T.K.
dt/- 28/9/

Reply A. R.L.A. Id/- P.M.L.
dt/- 28/9/

U.O.Rt to P.W.D. No. 16018 /A dated the 29-9-52.

V.V.K. 16/6/56/

5C.

Legal Department
R.I.No. 22679/27-9-52.

Submitted.

This is in connection with the payment of fees o Shri Rajhansa, Sub-Police Prosecutor Ahmednagar for some non-police work undertaken by him prior to 1-7-1946 at the instance of some Govt. Officers.

The question for consideration is whether the claim of Shri Raghansa has not become ~~xxxx~~ time barred.

The Accountant General considers that there would be no objection to the payment of the fees unless it can be held to tbe barred by limitation. Since this is a claim for fees due, it will be governed by Rule 30A(i) of the Financial Publication No. 1 Under the said Rule, a claim against Govt. which is barred by time under any provisions of law relating to limitation is ordinarily to be refused and no claim on account of such a time barred item is to be paid without the sanction of Govt.

If there be any reasobable ground for the delay in making the claim, Govt. may sanction payment.

Id/- R.T.K.
dt/- 11/10/

R.L.A. Id/- R.M.L.
dt/- 11/10/

U.O.R. to F.D. No. 17051 /A dt. 15-10-1952.

V.v.k. 16/6/56/ 50.

Office of the R.L.A.

The term "wages" in article 102 of the Limitation Act, 1908 , has been held to include salary also (see Province of Panjab v. Tara Chand, 1947 Federal Law Journal 56). The period of limitation under article 102 is three years and the claim for salary arises at the end of each month. Shri N.J.Mehta made his claim for the first time on 31-5-51, By that time his claim for salary for the months of March and April 1948 had already become time-barred. Consequently, his claim for the salary for these two months cannot be admitted. The rest of his claim for salary being in time when made may be admitted.

Id/- P.M.L.
dt/- 27-4-

Remembrancer of Legal Affairs.

U.R. to F. & S.D., No. 19953 /A dated the 28th November 1952.

V.v.k. 16/6/56/

5C.